

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

ABDEL HAKIM SAKAAN,)	
)	
Plaintiff,)	
)	
v.)	No. 2:18-cv-2440
)	
CITY OF MEMPHIS and MEMPHIS)	
POLICE DEPARTMENT,)	
)	
Defendants.)	

ORDER

Before the Court is the Magistrate Judge's August 1, 2018 Report and Recommendation ("Report"). (ECF No. 8.) The Report recommends that the Court dismiss Plaintiff Abdel Hakim Sakaan's complaint without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute. (Id. at 18.)¹ Sakaan has not objected to the Report.

For the following reasons, the Report is ADOPTED. The case is DISMISSED.

I. Background

On June 28, 2018, Sakaan filed a pro se complaint under 42 U.S.C. § 2000e and a motion to proceed in forma pauperis. (ECF Nos. 1 and 2.) Sakaan neglected to pay the \$400.00 civil filing

¹ Unless otherwise noted, all pin cites for record citations are to the "PageID" number.

fee or submit a properly completed application to proceed in forma pauperis.

On June 29, 2018, the Magistrate Judge ordered Sakaan to file a properly completed application to proceed in forma pauperis or pay the appropriate civil filing fee within thirty days of the entry of the order. (ECF No. 7 at 16.) The order provided that "[f]ailure to comply with this order in a timely manner will result in [recommendation that this action be dismissed] pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute." (Id.) Sakaan did not comply with that order. The Report recommends that Sakaan's complaint be dismissed without prejudice. (ECF No. 8 at 18.)

II. Analysis

Congress enacted 28 U.S.C. § 636 to relieve the burden on the federal judiciary by permitting the assignment of district-court duties to magistrate judges. See United States v. Curtis, 237 F.3d 598, 602 (6th Cir. 2001) (citing Gomez v. United States, 490 U.S. 858, 869-70 (1989)); see also Baker v. Peterson, 67 F. App'x 308, 310 (6th Cir. 2003). A district court has the authority to "designate a magistrate judge to conduct hearings, including evidentiary hearings, and to submit to a judge of the court proposed findings of fact and recommendations for the disposition, by a judge of the court, of any motion." 28 U.S.C. § 636(b)(1)(B).

The district court has appellate jurisdiction over any decisions the magistrate judge issues pursuant to a referral. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72. "A district judge must determine de novo any part of a Magistrate Judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1)(C). The district court is not required to review "any issue that is not the subject of an objection." Thomas v. Arn, 474 U.S. 140, 150 (1985). The district court should adopt the findings and rulings of the Magistrate Judge to which no specific objection is filed. Id.; United States v. Walters, 638 F.2d 947, 950 (6th Cir. 1981.)

Sakaan has not objected to the Report, and the deadline to do so under Local Rule 72.1 has passed. See also 28 U.S.C. § 636(b)(1)(C). Adoption of the Report's recommendations is warranted. See Arn, 474 U.S. at 150-51.

III. Conclusion

For the foregoing reasons, the Report is ADOPTED. The case is DISMISSED.

So ordered this 4th day of April, 2019.

/s/ Samuel H. Mays, Jr.
SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE